

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES

Case Title: Tulare Local
Healthcare District

Case No.: 17-13797 - B - 9

Docket Control No. WW-9

Date: 01/11/2018

Time: 9:30 AM

Matter: [261] - Motion/Application to Reject Lease or Executory Contract [WW-9] Filed by Debtor Tulare Local Healthcare District (svim)

Judge: René Lastreto II
Courtroom Deputy: Debbie Chavez
Reporter: Not Recorded
Department: B

APPEARANCES for:

Movant(s) :

None

Respondent(s) :

None

CIVIL MINUTES

Motion Granted, Resolved without Oral Argument

The Moving Party shall submit a proposed order in conformance with the ruling below.

The motion was set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(1). The failure of the creditors, the debtor, the U.S. Trustee, and any other party in interest to file written opposition at least 14 days prior to the hearing as required by Local Bankruptcy Rule 9014- 1(f)(1)(B) is considered as consent to the granting of the motion. Cf. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995). Further, because the court will not materially alter the relief requested by the moving party, an actual hearing is unnecessary. See Boone v. Burk (In re Eliapo), 468 F.3d 592 (9th Cir. 2006). Therefore, the defaults of the above-mentioned parties in interest except Dr. Benzeevi, who filed and served a declaration in

response to the motion which the court has considered and the reply thereto which the court considered, are entered and the matter was resolved without oral argument.

In a declaration (Docket #296), Dr. Benzeevi affirmatively states his and Medflow, PC's lack of opposition to this motion. Dr. Benzeevi did raise some disputed factual issues raised by the debtor. However, the motion was not opposed.

The contract between debtor and Medflow, PC may be rejected and any claim resulting from this rejection must be filed by March 12, 2018.